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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

OREGON FIREARMS FEDERATION, INC.
an Oregon public benefit corporation; BRAD
LOHREY, Sherman County Sheriff; CODY
BOWEN, Union County Sheriff; BRIAN
WOLFE, Malheur County Sheriff; HAROLD
RICHARD HADEN, JR., an individual; and
ADAM JOHNSON, an individual,

Plaintiffs,

v.

KATE BROWN, GOVERNOR OF THE
STATE OF OREGON, in her official capacity;
and ELLEN ROSENBLUM, ATTORNEY
GENERAL OF THE STATE OF OREGON,
in her official capacity,

Defendants.

Case No. 2:22-cv-01815-IM

DECLARATION OF BRIAN SIMMONDS
MARSHALL

I, Brian Simmonds Marshall, declare under penalty of perjury as follows:

1. I am employed as a Senior Assistant Attorney General with the Oregon Department of Justice. I represent the defendants, Governor Kate Brown, and Attorney General Ellen Rosenblum, in this case.

2. Attachment 1 to this declaration is the Supplemental Declaration of Lucy Allen filed by the California Attorney General as ECF 118-1 in *Duncan v. Bonta*, Case No. 17-cv-1017-BEN-JLB (S.D. Cal.) on November 10, 2022.

3. Attachment 2 to this declaration is the Declaration of Professor Robert Spitzer filed by the California Attorney General as ECF 118-9 in *Duncan v. Bonta*, Case No. 17-cv-1017-BEN-JLB (S.D. Cal.) on November 10, 2022.

4. Attachment 3 to this declaration is the Declaration of Professor Saul Cornell filed by the California Attorney General as ECF 118-10 in *Duncan v. Bonta*, Case No. 17-cv-1017-BEN-JLB (S.D. Cal.) on November 10, 2022.

5. Attachment 4 to this declaration is the Declaration of Professor Michael Vorenberg filed by the California Attorney General as ECF 118-4 in *Duncan v. Bonta*, Case No. 17-cv-1017-BEN-JLB (S.D. Cal.) on November 10, 2022.

6. Attachment 5 to this declaration is the Supplemental Declaration of Professor Louis Klarevas filed by the California Attorney General as ECF 118-6 in *Duncan v. Bonta*, Case No. 17-cv-1017-BEN-JLB (S.D. Cal.) on November 10, 2022.

7. Attachment 6 to this declaration is a chart of FICS Background Requests from the Oregon State Police Firearms Instant Check System (FICS) Update (Dec. 16, 2022), available at http://www.flashalertnewswire.net/images/news/2022-11/1002/159191/FICS__Backlog_Request_-_Daily_Average_2018-2022.png.

8. Attachment 7 to this declaration is an excerpt of the Oregon Health Authority's Oregon Vital Statistics 2020 Annual Report, available from the Injuries Dashboard at <https://www.oregon.gov/oha/PH/BIRTHDEATHCERTIFICATES/VITALSTATISTICS/ANNUALREPORTS/Pages/index.aspx>.

9. Attachment 8 to this declaration is Daniel W. Webster, et al., “Evidence concerning the regulation of firearms design, sale, and carrying on fatal mass shootings in the United States,” 19 *Criminology & Public Policy* 171 (2020), available at <https://onlinelibrary.wiley.com/doi/10.1111/1745-9133.12487>.

10. Attachment 9 to this declaration is Alexander D. McCourt, et al., “Purchaser Licensing, Point-of-Sale Background Check Laws, and Firearm Homicide and Suicide in 4 US States, 1985–2017,” 110(10) *American Journal of Public Health* 1546 (Oct. 2020).

11. Attachment 10 to this declaration is the transcript of proceedings on September 17, 2021 (ECF 125) in *United States v. Earnest*, Case No. 3:19-cr-01850-AJB (S.D. Cal.).

12. Attachment 11 to this declaration is Pauline Repard, “‘There was chaos’: Witnesses in court hearing recall Poway synagogue shooting,” *San Diego Union-Tribune* (Sept. 19, 2019), which I obtained from <https://www.sandiegouniontribune.com/news/courts/story/2019-09-19/hearing-opens-for-suspect-in-poway-synagogue-shooting>.

13. The defendants intend to retain the authors of Attachments 1-5 and 8 (or other witnesses with similar expertise) as expert witnesses in this case, but they are unable to do so in time for them to execute declarations before the defendants’ response to the motion for a preliminary injunction is due.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED at Portland, Oregon, on November 30, 2022.

/s/ Brian Simmonds Marshall

BRIAN SIMMONDS MARSHALL
Senior Assistant Attorney General